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EXAMINER

RAPILLO, KRISTINE K

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3626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,410	Applicant(s) HIGGINS, G. MICHAEL	
	Examiner KRISTINE K. RAPILLO	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 – 46 are pending.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 219 (Figure 6) and Figure 25. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, independent claim 1 is directed toward both an apparatus and the method steps of using the apparatus, and are therefore considered to be indefinite under 35 U.S.C. 112, second paragraph - *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990). For example, claim 1 contains the following indefinite language: "an automated method of evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising the steps of: collecting self-reported information relating to the insurable risk from an applicant; providing the self-reported information and the objective

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information to an automated underwriting system.” Claims 2 – 16 are replete with the same or similar language.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1 – 16 are rejected under 35 U.S.C. 101 because the claims are directed to neither a "process" nor a "machine", but rather overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted s“ as to set forth the statutory classes of invention in the alternative only, (see *Id.* 1551). For example, claim 1 contains the following indefinite language: “an automated method of evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising the steps of: collecting self-reported information relating to the insurable risk from an applicant; providing the self-reported information and the objective information to an automated underwriting system.” Claims 2 – 16 are replete with the same or similar language.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 – 3, 5 – 12, 13 – 23, 26 – 33, and 36 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (U.S. Patent No. 4,567,359) in view of Foutz (U.S. Publication No. 2003/0074277).

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In regard to claim 1, Lockwood teaches an automated method of evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising the steps of:

- a. collecting self-reported information relating to the insurable risk from an applicant (column 5, lines 7 – 9);
- c. providing the self-reported information and the objective information to an automated underwriting system (column 5, lines 9 – 13) - Lockwood discloses an automatic system for dispensing insurance quotations and policies (column 1, lines 8 – 10); and,
- e. providing an insurance offer relating to a specific insurance product for review and acceptance by the applicant (column 5, lines 16 – 19).

Lockwood fails to teach an automated method comprising the steps of (b) collecting objective information relating to the insurable risk and (d) using the automated underwriting system, evaluating and rating the insurable risk.

Foutz teaches an automated method comprising the steps of (b) collecting objective information relating to the insurable risk (paragraph [0003]) where the objective information is interpreted as a customers medical history or medical results determined from an examination, and (d) using the automated underwriting system, evaluating and rating the insurable risk (paragraphs [0074] and [0075]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an automated method comprising the steps of (b) collecting objective information relating to the insurable risk and (d) using the automated underwriting system, evaluating and rating the insurable risk as taught by Foutz with the motivation of providing a system to evaluate the risk of insuring a potential customer in a more efficient manner using a computer system to electronically review and process insurance applications (Foutz: paragraph [0044]).

In regard to claim 2, Lockwood teaches the automated method of Claim 1.

Lockwood fails to teach a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the self-reported and objective information to the automated underwriting system.

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Foutz teaches a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the self-reported and objective information to the automated underwriting system (paragraph [0003], [0046], and [0106]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising the step of obtaining, via electronic means, consent from the applicant to provide the self-reported and objective information to the automated underwriting system as taught by Foutz with the motivation of providing an efficient means of generating an insurance quote and/or policy by allowing a customer the ability to electronically approve a consent form, the system significantly reduces the turn around time of the underwriting of a policy (Foutz: paragraph [0049]).

In regard to claim 3, Lockwood teaches the automated method of Claim 1.

Lockwood fails to teach a method further comprising the step of producing a preliminary rate quote for the applicant based upon the self-reported information.

Foutz teaches a method further comprising the step of producing a preliminary rate quote for the applicant based upon the self-reported information (paragraphs [0051] and [098]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising the step of producing a preliminary rate quote for the applicant based upon the self-reported information as taught by Foutz with the motivation of providing an efficient means of generating an insurance quote by the use of a networked computer system which enables a potential customer to enter personal information at their convenience (Foutz: paragraph [0049])

In regard to claim 5, Lockwood teaches the automated method of Claim 1, wherein the step of collecting the self-reported information includes providing information-gathering apparatus for use by an applicant in reporting the self-reported information (column 5, lines 56 – 65 and Figure 2).

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In regard to claim 6, Lockwood teaches the automated method of Claim 5, wherein said information-gathering apparatus includes at least one of a keyboard, a display, a touch screen display, and a pointing device (column 4, lines 33 – 38).

In regard to claim 7, Lockwood teaches the automated method of Claim 5, wherein the step of providing information-gathering apparatus includes providing an automated application to elicit self-reported information from the applicant (column 6, lines 51 – 65).

In regard to claim 8, Lockwood teaches the automated method of Claim 7.

Lockwood fails to teach a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant.

Foutz teaches a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant (paragraph [0067]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant as taught by Foutz with the motivation of prompting a customer for the required information necessary to generate an insurance quote to ensure a rapid turn around time (Foutz: paragraph [0056]).

In regard to claim 9, Lockwood teaches the automated method of Claim 8.

Lockwood fails to teach a method wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level.

Foutz teaches a method wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level (paragraphs [0067]).

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The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 8, and incorporated herein.

In regard to claim 10, Lockwood teaches the automated method of Claim 1, wherein the self-reported information includes at least one of applicant's age, address, citizenship, medical history, family medical history, nicotine usage, alcohol usage, drug usage, motor vehicle information, aviation information, and hazardous activities information (column 6, lines 53 – 56).

In regard to claim 11, Lockwood teaches the automated method of Claim 1, wherein the objective information includes at least one of height and weight, blood pressure, pulse rate, blood cholesterol, blood glucose, evidence of drug usage, HIV exposure, tumor markers, evidence of tobacco usage, lung capacity, evidence of kidney disease, information from the Medical Information Bureau, information relating to prescribed drugs, consumer credit information, and motor vehicle information (column 8, lines 3 – 11; column 8, lines 15 - 19; column 8, lines 27 - 28).

In regard to claim 12, Lockwood teaches the automated method of Claim 1 further comprising the step of collecting information relating to a beneficiary of the insurance product (column 5, lines 7 - 9). Lockwood does not explicitly teach collecting beneficiary information, however, the act of collecting beneficiary information would be performed the same as collecting applicant information. Therefore, the collection of information would be obvious because the system would perform the same regardless of the information collected.

In regard to claim 13, Lockwood teaches the automated method of Claim 1.

Lockwood fails to teach a method further comprising the step of producing an immediate final rate quote for the applicant based upon the self-reported and objective information.

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Foutz teaches a method further comprising the step of producing an immediate final rate quote for the applicant based upon the self-reported and objective information (paragraphs [0003], [0046], and [0106]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 14, Lockwood teaches the automated method of Claim 13.

Lockwood fails to teach a method further comprising the step of providing an insurance application relating to the insurance product.

Foutz teaches a method further comprising the step of providing an insurance application relating to the insurance product (paragraph [0046]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a method further comprising the step of providing an insurance application relating to the insurance product as taught by Foutz with the motivation of lowering the overall business costs by eliminating much of the manual application processing functions (Foutz: paragraph [0048]).

In regard to claim 15, Lockwood teaches the automated method of Claim 14, further comprising the step of collecting information relating to payment for the insurance product if the final rate quote is accepted by the applicant (column 5, lines 21 – 27 and column 7, lines 25 - 29).

In regard to claim 16, Lockwood teaches the automated method of Claim 14, further comprising the steps of obtaining an electronic signature from the applicant and producing a printed copy of the application and providing the copy to the applicant (column 7, lines 14 – 16 and column 7, lines 49 – 52).

In regard to claim 17, Lockwood teaches a system for evaluating an insurable risk and providing an immediate binding insurance offer to cover that risk, comprising: (a) means for collecting self-reported

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information relating to the insurable risk from an applicant (column 5, lines 7 – 9) and (d) means for providing the self-reported information and the objective information to the automated underwriting program (column 5, lines 9 – 13).

Lockwood fails to teach a system comprising: (b) means for collecting objective information relating to the insurable risk, (c) an automated underwriting program, and (e) wherein said automated underwriting program evaluates and rates the insurable risk and produces a binding insurance rate quote relating to an insurance product to cover the risk.

Foutz teaches a system comprising: (b) means for collecting objective information relating to the insurable risk (paragraph [0003]), (c) an automated underwriting program (paragraphs [0115, 0117]), and (e) wherein said automated underwriting program evaluates and rates the insurable risk and produces a binding insurance rate quote relating to an insurance product to cover the risk (paragraphs [0074] and [0075]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 1, and incorporated herein.

In regard to claim 18, Lockwood teaches the system of Claim 17, wherein said means for collecting self-reported information comprises an automated application and information-gathering apparatus, said apparatus comprising at least one of a keyboard, a display, a touch screen display, and a pointing device for use in entering information into the automated application (column 4, lines 33 – 38 and column 6, lines 51 – 65).

In regard to claim 19, Lockwood teaches the system of Claim 18.

Lockwood fails to teach a system wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant.

Foutz teaches a system wherein the automated application includes multiple screens and multiple levels for eliciting self-reported information from the applicant (paragraphs [0067]).

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The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 8, and incorporated herein.

In regard to claim 20, Lockwood teaches the system of Claim 19.

Lockwood fails to teach a system wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level.

Foutz teaches a system wherein at least one of the screens presented to the applicant in at least one of the multiple levels is selected in response to information reported by the applicant in a preceding level (paragraphs [0067]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 8, and incorporated herein.

In regard to claim 21, Lockwood teaches the system of Claim 17, wherein the self-reported information includes at least one of: applicant's age, address, citizenship, medical history, family medical history, nicotine usage, alcohol usage, drug usage, motor vehicle information, aviation information, and hazardous activities information (column 6, lines 53 – 56).

In regard to claim 22, Lockwood teaches the system of Claim 17.

Lockwood fails to teach a system wherein the automated underwriting program comprises means for producing a preliminary rate quote for the applicant based upon the self-reported information.

Foutz teaches a system wherein the automated underwriting program comprises means for producing a preliminary rate quote for the applicant based upon the self-reported information (paragraphs [0003], [0046], and [0106]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 2, and incorporated herein.

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In regard to claim 23, Lockwood teaches the system of Claim 17, wherein the means for collecting objective information comprises at least one of: apparatus for measuring height and weight; apparatus for measuring blood pressure; apparatus for measuring pulse rate; apparatus for measuring blood cholesterol; apparatus for measuring blood glucose; apparatus for detecting evidence of drug usage; apparatus for detecting HIV exposure; apparatus for detecting tumor markers; apparatus for detecting evidence of tobacco usage; apparatus for measuring lung capacity; and apparatus for detecting evidence of kidney disease (column 8, lines 3 – 11; column 8, lines 15 – 19; and, column 8, lines 27 - 28).

In regard to claim 26, Lockwood teaches the system of Claim 17, wherein the means for collecting objective information comprises means for obtaining consumer credit information (column 8, lines 3 – 11).

In regard to claim 27, Lockwood teaches the system of Claim 17, wherein the means for collecting objective information comprises means for obtaining motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

In regard to claim 28, Lockwood teaches the system of Claim 17.

Lockwood fails to teach a system wherein the automated underwriting program comprises means for producing a final rate quote for the applicant based upon the self-reported and objective information.

Foutz teaches a system wherein the automated underwriting program comprises means for producing a final rate quote for the applicant based upon the self-reported and objective information (paragraphs [0003], [0046], and [0106]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 2, and incorporated herein.

In regard to claim 29, Lockwood teaches the system of Claim 17.

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Lockwood fails to teach a system further comprising means for producing an insurance application relating to the insurance product.

Foutz teaches a system further comprising means for producing an insurance application relating to the insurance product (paragraph [0046]).

The motivation to combine the teachings of Lockwood and Foutz is discussed in the rejection of claim 14, and incorporated herein.

In regard to claim 30, Lockwood teaches the system of Claim 29, further comprising an output device for producing a copy of the insurance application for the applicant (column 7, lines 14 – 16 and column 7, lines 49 – 52).

In regard to claim 31, Lockwood teaches a system for evaluating an applicant for life insurance and for providing an immediate binding insurance offer for review and acceptance by the applicant, comprising:

- a. information collecting apparatus comprising a display, an automated life insurance application which can viewed by the applicant using the display, and an input device for use by the applicant in entering self-reported information (column 5, lines 7 – 9);
- c. a processor for hosting a life insurance underwriting program (column 4, lines 1 – 6; column 4, lines 33 – 38; column 5, lines 37 – 38; and Figure 2);
- d. means for inputting information from the apparatus for collecting self-reported information and the objective information from said one or more stations to the processor for use by the life insurance underwriting program (column 4, lines 33 – 38);
- e. means for displaying to the applicant at least one of a preliminary quote based upon the self-reported information and a final quote based upon the self-reported information and the objective information (column 4, lines 33 – 51); and
- f. an input device for use by the applicant in acknowledging at least one of the preliminary and final quotes (column 4, lines 33 – 38; column 5, lines 7 – 15; and, column 5, lines 16 – 27).

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Lockwood fails to teach a system comprising (b) one or more stations for collecting objective information from the applicant.

Foutz teaches a system comprising (b) one or more stations for collecting objective information from the applicant (Figure 1).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising (b) one or more stations for collecting objective information from the applicant as taught by Foutz with the motivation of allowing an applicant the ability to use various systems to collect information, such as a desktop computer, laptop computer, or personal hand held device (paragraph [0053]).

In regard to claim 32, Lockwood teaches the system of Claim 31.

Lockwood fails to teach a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant.

Foutz teaches a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant (paragraph [0004]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein said life insurance underwriting program provides an insurance application for review and acceptance by the applicant as taught by Foutz with the motivation of allowing the applicant the option to view and accept or decline an insurance quote via a computer system (paragraph [0040]).

In regard to claim 33, Lockwood teaches the system of Claim 31, wherein said one or more stations for collecting objective information from the applicant include at least one of: apparatus for measuring height and weight; apparatus for measuring blood pressure; apparatus for measuring pulse rate; apparatus for measuring blood cholesterol; apparatus for measuring blood glucose; apparatus for detecting evidence of drug usage; apparatus for detecting HIV exposure; apparatus for detecting tumor markers; apparatus for detecting evidence of tobacco usage; apparatus for measuring lung capacity; and

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apparatus for detecting evidence of kidney disease (column 8, lines 3 – 11; column 8, lines 15 – 19; and, column 8, lines 27 – 28).

In regard to claim 36, Lockwood teaches the system of Claim 31, wherein said one or more stations for collecting objective information from the applicant include means for obtaining consumer credit information (column 8, lines 3 – 11).

In regard to claim 37, Lockwood teaches the system of Claim 31, wherein said one or more stations for collecting objective information from the applicant include means for obtaining motor vehicle information (column 8, lines 15 – 19 and column 8, lines 27 – 28).

8. Claims 4, 24, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood and Foutz as applied to claims 1 and 17 above, and further in view of Ryan et al. (U.S. Publication Number 2003/0187768 A1), herein Ryan.

In regard to claim 4, Lockwood and Foutz teach the automated method of Claim 1.

Lockwood and Foutz fail to teach the automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system.

Ryan teaches the automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system (paragraph [0043]).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include an automated method further comprising the step of obtaining electronic authorization from the applicant for the immediate release of objective information from at least one of a health care provider, pharmacy or pharmacy benefit manager, a consumer reporting agency and the Medical Information Bureau, and for evaluation of such objective information by the automated underwriting system as taught by Ryan with the motivation of determining the risk of insuring an applicant based on data obtained from outside sources (i.e. not provided by applicant) - paragraph [0486].

In regard to claim 24, Lockwood and Foutz teach the system of Claim 17.

Lockwood and Foutz fail to teach a system wherein the means for collecting objective information comprises means for obtaining information from the Medical Information Bureau.

Ryan teaches a system wherein the means for collecting objective information comprises means for obtaining information from the Medical Information Bureau (paragraph [0043]).

The motivation to combine the teachings of Lockwood, Foutz, and Ryan are discussed in the rejection of claim 4, and incorporated herein.

Claim 34 is the system claim for the method of claim 24. The rationale for rejection can be found in the rejection of claim 24.

9. Claims 25, 35, and 38 – 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood and Foutz, and further in view of DeTore et al. (U.S. Patent Number 4,975,840), herein DeTore.

In regard to claim 25, Lockwood and Foutz teach the system of Claim 17.

Lockwood and Foutz fail to teach a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs.

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DeTore teaches a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs (column 8, lines 10 – 13) where information is collected regarding any medical problems experienced by the potential insured, including medications used.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein the means for collecting objective information comprises means for obtaining information relating to prescribed drugs as taught by DeTore with the motivation of evaluating an applicant's risk of insurability (column 1, lines 55 – 58).

Claim 35 is the system claim for the method of claim 25. The rationale for the rejection of claim 35 can be found in the rejection of claim 25.

In regard to claim 38, Lockwood teaches a computer-based system for capturing data at a point of sale relating to mortality or morbidity risk assessment and a related insurance product, said system comprising: a processor (column 4, lines 1 – 6; column 4, lines 33 – 38; column 5, lines 37 – 38; and Figure 2); a memory (column 4, lines 33 – 38; column 5, lines 37 – 38; and, Figure 2); an input device connected to the processor for use in entering data relating to an applicant, including the applicant's age, for storage in the memory (column 4, lines 33 – 38); a plurality of stations for collecting medical and/or physical data relating to the applicant (column 4, lines 17 - 20); and data communications link connecting the stations to the processor (column 4, lines 21 - 23); wherein said processor is programmed to receive the medical and/or physical data via the data communications links, and to store the received medical and/or physical data in the memory (Figure 2).

Lockwood and Foutz fail to teach a system for capturing data relating to mortality or morbidity risk assessment.

DeTore teaches a system for capturing data relating to mortality or morbidity risk assessment (column 16, lines 20 - 22).

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The motivation to combine the teachings of Lockwood, Foutz, and DeTore are discussed in the rejection of claim 25, and incorporated herein.

In regard to claim 39, Lockwood and Foutz teach the system of Claim 38.

Lockwood and Foutz fail to teach a system further comprising a risk assessment program for assessing a mortality or morbidity insurance risk using the stored data in the memory.

DeTore teaches a system further comprising a risk assessment program for assessing a mortality or morbidity insurance risk using the stored data in the memory (column 16, lines 65 – 68).

The motivation to combine the teachings of Lockwood, Foutz, and DeTore is discussed in the rejection of claim 38, and incorporated herein.

In regard to claim 40, Lockwood teaches the system of Claim 38, further comprising a data communication link for use by the processor in transmitting the data stored in the memory to a mortality or morbidity risk assessment system, and for receiving a risk assessment from the remote mortality or morbidity risk assessment system (column 4, lines 1 – 16).

In regard to claim 41, Lockwood teaches the system of Claim 38, further comprising program means for generating a life insurance policy using the information stored in the memory, means for confirming an identity of the applicant, and means for receiving an electronic signature of the applicant (column 1, lines 31 - 36).

In regard to claim 42, Lockwood teaches the system of Claim 38.

Lockwood fails to teach a system wherein said data communications link comprises a wired or wireless data communications link.

Foutz teaches a system wherein said data communications link comprises a wired or wireless data communications link (paragraph [0054]).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein said data communications link comprises a wired or wireless data communications link as taught by Foutz with the motivation of providing a tool to allow rapid determination of risk (or eligibility) for an applicant in the pursuit of an insurance policy (column 1, lines 55 - 58).

In regard to claim 43, Lockwood and Foutz teach the system according to Claim 38.

Lockwood and Foutz fail to teach a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples.

DeTore teaches a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples (column 8, lines 18 – 21). DeTore discloses a system of underwriting in which medical tests are evaluated for possible health problems. DeTore does not disclose an actual apparatus for analyzing the biological matrices, however, it is assumed that the analysis will occur at a second computer system located remotely (i.e. hospital, laboratory) due to the knowledge and skill level needed for the sample analysis. As the apparatus is connected wirelessly to the underwriting engine (Higgins: Figure 1), the results of the medical examination or test can be collected rapidly for the purpose of evaluating the risk of insurability of an applicant.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein at least one of the plurality of stations includes apparatus for analyzing at least one of saliva, blood, urine and hair samples as taught by DeTore with the motivation of evaluating an applicants insurability by analyzing the results of a medical test using an expert system for the interpretation of the results (column 11, lines 14 – 21).

In regard to claim 44, Lockwood and Foutz teach the system according to Claim 38.

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Lockwood and Foutz fail to teach a system wherein at least one of the plurality of stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height.

DeTore teaches a system wherein at least one of the plurality of stations includes at least one of an apparatus for measuring blood cholesterol, blood glucose, blood pressure, heart rate, lung capacity, weight and height (column 8, lines 18 – 21).

The motivation to combine the teachings of Lockwood, Foutz, and DeTore are discussed in the rejection of claim 43, and incorporated herein.

In regard to claim 45, Lockwood and Foutz teach the system according to Claim 38.

Lockwood and Foutz fail to teach a system wherein at least one of the plurality of stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease.

DeTore teaches a system wherein at least one of the plurality of stations includes at least one of apparatus for detecting drug usage, tobacco usage, tumor markers, exposure to HIV and kidney disease (column 12, lines 58 – 62).

The motivation to combine the teachings of Lockwood, Foutz, and DeTore are discussed in the rejection of claim 43, and incorporated herein.

In regard to claim 46, Lockwood teaches the system according to Claim 39.

Lockwood fails to teach a system wherein said insurance risk assessment program includes at least one expert system.

Foutz teaches a system wherein said insurance risk assessment program includes at least one expert system (paragraph [0042]), as Foutz discloses a set of rules which make decisions.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein said insurance risk assessment program includes at

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least one expert system as taught by Foutz with the motivation of providing a tool to review, accept or reject an insurance application based on the electronically stored rule sets (paragraph [0044]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Luchs et al. (U.S. Patent Number 4,831,526) discloses a fully computerized system for quoting an insurance premium, and issuing insurance policies. The system uses a central processor, which communicates to multiple terminals in which an operator can access and request information. The system includes a data base storage system, in which information can be searched.
 - Wolff et al. (U.S. Publication Number 2002/0029158 A1) teaches a method and system for the life insurance industry in which an insurance request initiates a file that contains all the information an underwriter needs to evaluate the risk of insurability and to generate a quote.
 - Zander et al. (U.S. Publication Number 2003/0208385 A1) teaches a system and method for underwriting insurance. The system evaluates life insurance applications based on ratings of life expectancy.
 - Anderson (U.S. Publication Number 2004/0039601 A1) teaches a virtual file cabinet including health information methods and apparatus. The system organizes and provides information from a central repository. Access is authorized to the user, or appropriate third parties with the proper authorization. The system allows for the retrieval and storage of personal information in a secure site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KKR

/C Luke Gilligan/
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